

EXHIBIT A

13

1 Lehrfeld?

2 A. I didn't know him until then.

3 Q. Pardon me?

4 A. I didn't know him until then.

5 Q. Okay. How did you come to meet Matthew  
6 Lehrfeld?7 A. I came home, me and my sister came to my  
8 apartment.

9 Q. About what time?

10 A. It was about 9:30 a.m.

11 Q. Where were you before that?

12 A. At the bus stop waiting on my sister to  
13 get off the bus.

14 Q. Okay.

15 A. And I came in, and he was in my bathroom.  
16 We were sitting down in my room drinking beer, and he came  
17 out of the bathroom with knives in his hands.18 MR. CUTCHER: I'm sorry. I didn't hear  
19 that part.20 THE COURT: They were sitting, drinking  
21 beer, and something -- what happened then, ma'am?

22 Q. Wait. Who was drinking beer?

23 A. My sister and myself.

24 Q. Inside the apartment?

25 A. Yes, sir.

**EXHIBIT B**

7

1 MR. ADAMS: Judge, I'll be very brief..

2 OPENING STATEMENT

3 BY MR. ADAMS:

4 I think the evidence will show here that  
5 on January 18, 1999, somewhere between or around  
6 the hours of 9:30 a.m. and 10:15 a.m., at 1650  
7 Hamer Street, Apartment 24, which is located in  
8 Over-The-Rhine, just around Vine Street, the Vine  
9 Street area, that Matthew Lehrfeld, the defendant  
10 here, did not have any permission to be in the  
11 apartment of Mary Robinson. That the evidence  
12 will show there was an open window that Mary  
13 Robinson, the victim, indicated was closed, and to  
14 her best guess, that's the only way he could have  
15 gotten in.

16 Now, that open window is, if you look  
17 outside of it, there's an open courtyard.  
18 However, it's surrounded by apartment buildings.  
19 So, somehow, I think the evidence will show that  
20 he gained access to that courtyard in some form or  
21 fashion, and entered up through her apartment by a  
22 window where there's a fire escape located. Came  
23 into the apartment, and once Mary Robinson got in  
24 to her apartment, she entered through her front  
25 door, and when she entered her apartment, the

**EXHIBIT C**

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1                   MR. CUTCHER: And I think for brevity  
2                   sake, your Honor, it's my understanding that the  
3                   prosecutor is willing to stipulate the admission  
4                   of these records.

5                   MR. ADAMS: Yes, your Honor.

6                   THE COURT: What number are they?

7                   MR.. CUTCHER: Twelve.

8                   THE WITNESS: Matt had asked me to chart  
9                   something on the bruising back in January. To be  
10                  honest with you, I got busy, and this is a late  
11                  entry as far as what I observed, but per his  
12                  request, I examined him soon after his admission  
13                  into the Justice Center, and he was noted to have  
14                  very large bruises on the back -- on his back of  
15                  each leg and lower back. Bruises were severe.

16                  They were very severe.

17                  Q.         And how about on the back of his head?

18                  Could you describe that bruise?

19                  A.         That was a large, probably about this  
20                  big, a big lump (indicating) probably about three and a  
21                  half to four inches in diameter, and quite raised.

22                  Q.         And did you ask Matt how those injuries  
23                  occurred?

24                  A.         He said that they were defensive injuries  
25                  from being --

EXHIBIT D

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1 the back of his head, and on the very back of his head,  
2 where he showed me, because he wanted me to tell the  
3 nurse, was a large bump approximately the size of a  
4 softball, which stuck out probably about a quarter of an  
5 inch, eighth of an inch, and had a slight laceration on  
6 the back.

7 Q. And did you have any further contact with  
8 Mr. Lehrfeld?

9 A. Yes, sir. He stayed --

10 MR. ADAMS: Objection.

11 THE COURT: Sustained, with respect to he  
12 stayed.

13 Go ahead.

14 A. He stayed in the psych ward. I'm not  
15 sure of the length of time, but at that time was a  
16 permanent psych officer, and he was one of the inmates in  
17 there.

18 MR. CUTCHER: Thank you. Nothing  
19 further.

20 MR. ADAMS: No questions.

21 THE COURT: Sir, you can step down.

22 Release him? Any objection to his release?

23 MR. CUTCHER: No.

24 MR. ADAMS: No.

25 (Witness excused.)

**EXHIBIT D1**

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1 Exhibit Number 9?

2 A. Yes.

3 Q. And that's what's inside this bag that  
4 you see?

A. That's what I wrapped up, yes.

6 Q. Did she put it in a plastic bag, or did  
7 you?

8                   A.           She had it in a plastic bag. In fact,  
9                   this is the bag she had it in.

10 Q. And you put the cardboard around it?

11 A. Right.

12 MR. ADAMS: Thank you. Nothing further.

13 THE COURT: Cross-examination?

## CROSS - EXAMINATION

15 BY MR. CUTCHER:

16 Q. Good morning, Officer DuBois.

17 THE COURT: Good afternoon.

18 MR. CUTCHER: I'm sorry, your Honor.

19 Truly I am.

20 Q. Officer, I'd like you to look at

21 Defendant's Exhibit 13. Did you prepare that report?

22 A. Yes, I did.

23 Q. Okay. And when it says on your report  
24 that the defendant found at the scene with weapons still  
25 on his person, is that accurate?

EXHIBIT D1

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1           A.       I don't remember a weapon on him at the  
2 time. I didn't see a weapon.

3           Q.       That's your handwriting, isn't it?

4           A.       That is my handwriting.

5           Q.       Did you get that information from Mary  
6 Robinson that he had a weapon on him?

7           A.       That information came from the sergeant.

8 I didn't talk to her at all. It came from the sergeant.

9           Q.       It's your understanding the sergeant  
10 talked to her?

11          A.       And relayed the information to me.

12          Q.       Did you see the defendant up the  
13 stairwell?

14          A.       I saw him when we first got there. I saw  
15 Sergeant Wells, and I saw her go into the apartment.

16          Q.       And you didn't see a weapon in his hand?

17          A.       He had a knife in his hand.

18          Q.       Saw a knife in his hand?

19          A.       Right.

20          Q.       And that wasn't recovered?

21          A.       Not at the time, we couldn't find it.

22          Q.       And did you understand what had happened?  
23 Did you talk to Mary Robinson at all?

24          A.       The only thing she told me, gentleman up  
25 there has a knife in his hand. The sergeant said he was,

1 going to get him.

2 Q. You weren't told that he had been beaten  
3 up and stun gunned?

4 A. I had no knowledge of that at all.

5 MR. CUTCHER: Okay. Thank you. Nothing  
6 further.

7 REDIRECT EXAMINATION

8 BY MR. ADAMS:

9 Q. Officer, I want to get this clear. You  
10 actually saw a knife in the defendant's hand?

11 A. The defendant ran back into the apartment  
12 with a knife; and the sergeant said he had a knife. He  
13 went back in the apartment. The sergeant was standing on  
14 that staircase, and all I could see was something shiny,  
15 and it appeared to me as a knife.

16 Q. Okay. And after you cleared him out,  
17 there was no officer that searched or found a knife at the  
18 time?

19 A. We cleared him out, took him downstairs,  
20 and another officer was there that stayed with him. We  
21 went back to the apartment, had the pictures taken, but we  
22 didn't recover the knife. We didn't find it. I didn't  
23 see it. There was knives there, but not the particular  
24 knife that she told us he had.

25 MR. ADAMS: Okay. Thank you.

**EXHIBIT G**

**THE STATE OF OHIO, HAMILTON COUNTY  
COURT OF COMMON PLEAS**

date: 09/28/99

code: GJRC

judge: 33

Entered	9-28-99
Date:	294
Image:	

Judge: RICHARD A NIEHAUS

NO: B 9900433

**STATE OF OHIO  
VS.  
MATTHEW LEHRFELD**

**JUDGMENT ENTRY REVOKING  
COMMUNITY CONTROL AND  
IMPOSING SENTENCE**

Defendant was present in open Court with Counsel PERRY L ANCONA on the 28th day of September 1999 for a hearing on a charge of violation of the conditions of defendant's community control. Defendant was informed of the grounds upon which revocation of community control was proposed.

The Court afforded the defendant and counsel an opportunity to be heard and to submit evidence on defendant's behalf, together with such facts and circumstances as tend to contradict or to explain the violation of the conditions of defendant's community control.

Upon consideration of the evidence produced at the hearing, the Court finds that the defendant violated the conditions of community control.

THEREFORE, the Court revokes the community control heretofore granted to Defendant, and orders that sentence be executed forthwith; to-wit, Defendant is sentenced to be imprisoned for a period of:

**CHARGE:**

count 1: BURGLARY, 2911-12/ORCN,F2, CONFINEMENT: 6 Yrs, Credit 254 Days

DEPARTMENT OF CORRECTIONS

DEFENDANT TO PAY COURT COSTS.

count 2: AGG BURGLARY, 2911-11A1/ORCN, JUDGMENT ENTRY OF ACQUITTAL



**EXHIBIT G****COURT OF COMMON PLEAS****STATE OF OHIO****HAMILTON COUNTY, OHIO****-VS-**

NO: B-9900433 Judge NIEHAUS 09/10/99

**MATTHEW LEHRFELD****COMMUNITY CONTROL SANCTION VIOLATION**

Now comes Michael C. Snowden, Chief Probation Officer of Hamilton County, Ohio, and states that MATTHEW LEHRFELD heretofore convicted of BURGLARY, COUNT 1 (F-2), on 5/13/99 and placed on Community Control Intensive Supervision on 6/15/99 for a period of three (3) years, has violated the conditions of his Community Control as follows:

**RULE #11: I UNDERSTAND THE SPECIAL CONDITIONS ORDERED BY THE COURT WILL BE ENFORCED BY THE PROBATION DEPARTMENT. THESE CONDITIONS ARE: MUST ENTER AND SUCCESSFULLY COMPLETE THE RIVER CITY CORRECTION CENTER AND AFTER.**

On 9/2/99, Probationer Lehrfeld was unsuccessfully terminated from River City Correctional Center.

**N.B.** The probationer is currently in the custody of the Hamilton County Sheriff's Department. A Probable Cause/Probation Violation hearing has been set before the Honorable Richard A. Niehaus on 9/22/99 at 9:30 a.m., in Room 595.

Copies to:

Prosecutor  
 Probationer  
 File  
 Assignment Commissioner

Attest: Coolidge Tisdale  
 Probation Officer

Michael C. Snowden  
 Chief Probation Officer

**FILED**

SEP 15 12 20 PM '99  
 JAMES J. SISK  
 CLERK OF COURTS  
 HAMILTON COUNTY, OH

**EXHIBIT****9**

**EXHIBIT H**

1                   THE COURT: I am going to file a grievance  
2                   against him.

3                   You are on record now, sworn testimony  
4                   that the attorney made comments about the Judge.

5                   THE WITNESS: Well, the attorney also told  
6                   me that you kept stating how bizarre my case was  
7                   from the beginning, and he told me --

8                   THE COURT: They told me a bizarre story.  
9                   The whole thing is an amazing story for those who  
10                  don't smoke crack. It was really an interesting  
11                  story, I still don't know what happened in there.

12                  You know what the elements of burglary  
13                  are? You were in their house, they don't want you  
14                  in the house, you go after them with a knife.  
15                  Burglary.

16                  THE WITNESS: Well, I was already in the  
17                  house.

18                  THE COURT: I know. And then they wanted  
19                  you out of the house and they said you wouldn't  
20                  leave and you pulled a knife. That is burglary.

21                  THE WITNESS: There was five guys waiting  
22                  for me outside the door and those are the guys that  
23                  jumped me when they ran into her apartment. I am  
24                  the one that got beat up.

25                  MR. DAVIS: Objection.

EXHIBIT I

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1                   in a lot of trouble, could have been killed,  
2                   couldn't you?

3                   THE DEFENDANT: Yeah.

4                   THE COURT: We know what it's all about,  
5                   it's about some little stolen crack while we are in  
6                   there.

7                   THE DEFENDANT: No, I didn't steal any of  
8                   it.

9                   THE COURT: You took the merchandise, you  
10                  wouldn't pay, that's why they took your keys. I  
11                  told you what burglary is, to be in their house  
12                  when they don't want you in there and you assault  
13                  them. It's burglary. Whether all the other stuff  
14                  was true or not you shouldn't have been there.

15                  Are you going to be angry about this?

16                  THE DEFENDANT: No, I am not.

17                  THE COURT: I will see you in another  
18                  couple of weeks. Guess what, I will lose my  
19                  patience and I won't see you for a long, long time.

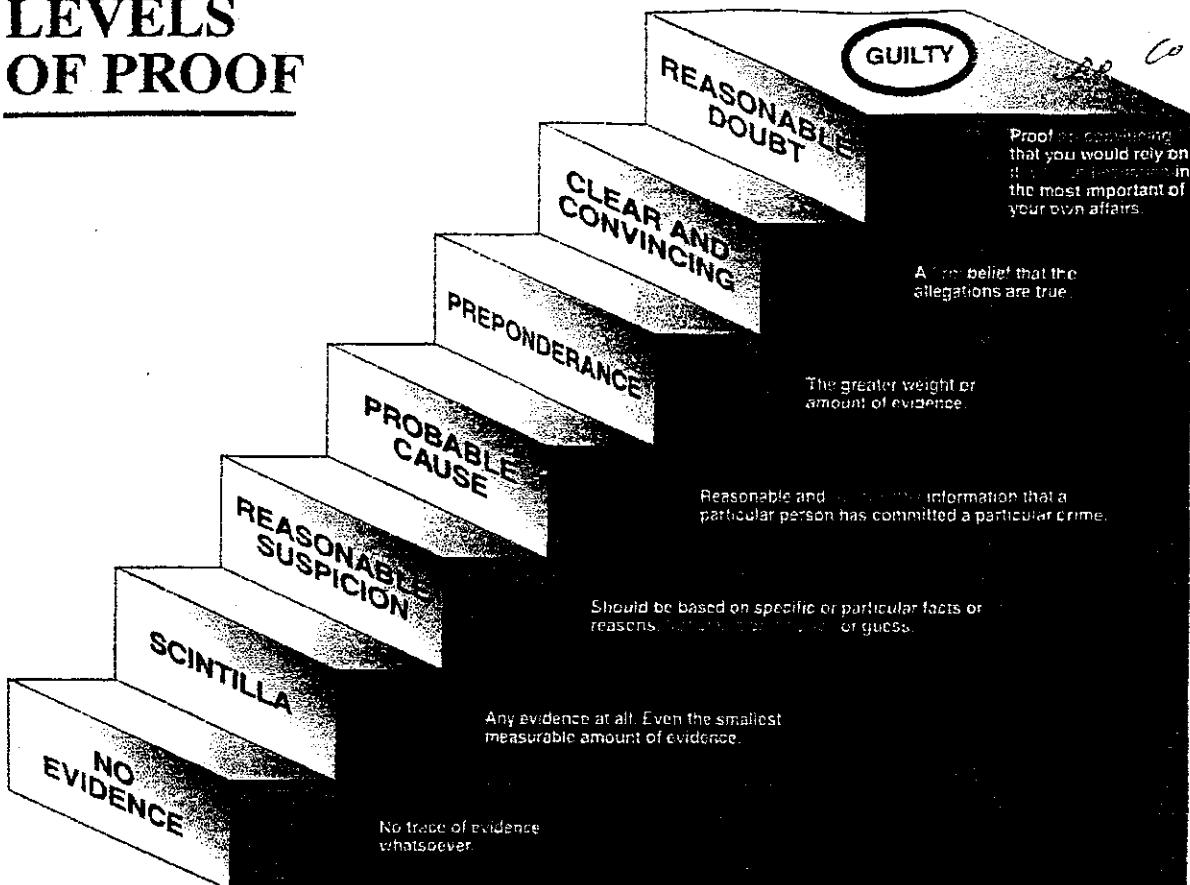
20                  THE DEFENDANT: No, you won't see me  
21                  again.

22                  THE CONSTABLE: October 4, at 9:30.

23                  THE COURT: I have sentenced him, I just  
24                  want to see the report. I don't want him out of  
25                  treatment.

**EXHIBIT J**

## **LEVELS OF PROOF**



**EXHIBIT K**

23

1                   MR. ADAMS: Okay. May the record reflect  
2                   identification of the defendant?

3                   THE COURT: So reflect.

4                   MR. ADAMS: Thank you.

5                   Q.         Did you let Matthew Lehrfeld inside?

6                   A.         No, I did not.

7                   Q.         Did your friend or sister let him inside?

8                   A.         No, she did not.

9                   THE COURT: How many people were in the  
10                  apartment?

11                  THE WITNESS: Two.

12                  Q.         What's --

13                  THE COURT: There's two people in your  
14                  apartment, not three. You and your sister.  
15                  There's nobody else?

16                  THE WITNESS: Yes. No, not at that time.

17                  THE COURT: He said, "your friend."

18                  MR. ADAMS: I'm sorry.

19                  Q.         What's your sister's name?

20                  A.         Denise Rogers.

21                  Q.         All right. So let's get back to where he  
22                  came out of the bathroom with the knife and you went for  
23                  the phone. Go over that again, please.

24                  A.         When I went for the telephone, he grabbed  
25                  the phone cord and snatched it out of the wall, so we both